

The Honorable James Robart

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GABRIEL KORTLEVER, SY
EUBANKS, and ALL OTHERS
SIMILARLY SITUATED,

Plaintiffs,

v.

WHATCOM COUNTY,
WASHINGTON; WHATCOM
COUNTY SHERIFF'S OFFICE

Defendants.

No. 2:18-cv-00823

**STIPULATED MOTION TO STAY
PROCEEDINGS**

NOTED FOR: JULY 26, 2018

Basis for Motion

Pursuant to LCR 7(d)(1) and 10(g), Plaintiffs Gabriel Kortlever and Sy Eubanks, and Defendants Whatcom County, Washington and Whatcom County Sheriff's Office, by and through their counsel, respectfully move the Court to stay the proceedings in this action while the parties engage in settlement efforts.

1. This case was filed on June 6, 2018, and concerns access to Medication-Assisted Treatment ("MAT") in Whatcom County Jail in Bellingham, Washington. (ECF No. 1).

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1 Plaintiffs seek to represent “a class of non-pregnant people who have an OUD and who
2 are incarcerated, or who will be incarcerated in the future, at the Whatcom County Jail.”

3 *Id.* ¶ 87.

4 2. Also on June 6, 2018, Plaintiffs filed a Motion for Class Certification, with a noting date
5 of July 13, 2018. (ECF No. 2).

6 3. On June 28, 2018, Defendants filed a CR 12(b)(6) Motion to Dismiss for Failure to State
7 a Claim Upon Which Relief Can Be Based, with a noting date of July 27, 2018. (ECF
8 No. 9).

9 4. On June 29, 2018, Defendants filed their Response to Plaintiffs’ Motion to Certify Class.
10 (ECF No. 12).

11 5. On July 10, 2018, the Court entered an Order Regarding Initial Disclosures, Joint Status
12 Report, and Early Settlement. (ECF No. 13). Under the Order, the deadline for the FRCP
13 26(f) Conference was July 24, 2018; the deadline for the Initial Disclosures Pursuant to
14 FRCP 26(a)(1) is August 7, 2018; and the deadline for the Combined Joint Status Report
15 and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f) is August 14,
16 2018. *Id.*

17 6. On July 13, 2018, Plaintiffs filed their Reply In Support of Motion for Class
18 Certification. (ECF No. 14).

19 7. On July 23, 2018, Plaintiffs filed their Response to Defendants’ Motion to Dismiss. (ECF
20 No. 22).

21 8. The Motion for Class Certification is ripe and remains pending. The Reply in Support of
22 the Motion to Dismiss is due July 27, 2018, at which time it will be ripe. No other
23 motions or hearings are pending and there are no other deadlines set in this case.

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1 9. The parties have recently begun settlement discussions, and the parties believe they may
2 be able to settle this action without the need for further proceedings in Court, including a
3 ruling on the pending motions.

4 10. The parties convened a Rule 26(f) conference on July 24, 2018. Most of the discussion
5 focused on settlement possibilities.

6 11. Accordingly, the parties desire to stay all proceedings in this action immediately so that
7 they may devote their efforts toward settlement of this action and potentially save the
8 Court time and resources.

9 12. The parties believe that the requested stay will not prejudice any party or result in a waste
10 of judicial resources.

11 13. Should the Court grant this Motion and issue an order staying the proceedings, the parties
12 further agree to file with the Court an update regarding settlement status within 90 days
13 of entry of the Court's order unless the case has been settled and dismissed before that
14 date.

15 14. Accordingly, for good cause, Plaintiffs and Defendants request that the Court approve the
16 parties' stipulation and stay this action while the parties pursue settlement.

17 A proposed order is attached herewith.

18
19 Dated: July 26th, 2018

20 By: s/ George Roche
21 George Roche, WSBA #45698
22 Civil Deputy Prosecuting Attorney
23 Attorney for Defendants
Whatcom County Prosecuting Attorney
311 Grand Ave Suite 201

Stipulated Motion to Stay Proceedings - 3
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AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION
901 FIFTH AVENUE #630
SEATTLE, WA 98164
(206) 624-2184

Bellingham, WA 98225
360.778.5710
groche@co.whatcom.wa.us

Attorney for Defendants

AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION

By: s/ John Midgley
Lisa Nowlin, WSBA #51512
Jessica Wolfe, WSBA #52068
John Midgley, WSBA #6511
Mark Cooke, WSBA #40155
901 Fifth Avenue, Suite 630
Seattle, WA 98164
Telephone: (206) 624-2184
Email: lnowlin@aclu-wa.org
jwolfe@aclu-wa.org
jmidgley@aclu-wa.org
mcooke@aclu-wa.org

K&L GATES LLP

By: s/ D. Matthew Doden
Bart Freedman, WSBA #14187
Todd Nunn, WSBA #23267
D. Matthew Doden, WSBA #43573
Christina A. Elles, WSBA #51594
925 4th Avenue #2900
Seattle, WA 98104
Telephone: (206) 623-7580
Email: bart.freedman@klgates.com
todd.nunn@klgates.com
matt.doden@klgates.com
christina.elles@klgates.com

*Attorneys for Plaintiffs Gabriel Kortlever, Sy
Eubanks, and All Others Similarly Situated*

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CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on July 26th, 2018, I electronically filed the foregoing *Stipulated Motion to Stay Pending Settlement* and attached *Proposed Order* with the Clerk of the Court via the ECF/CMF system, which will serve a notification and copy on the following:

George Roche, WSBA No. 45698
Whatcom County Civil Deputy Prosecuting Attorney
311 Grand Ave, Suite 201
Bellingham, WA 98225
groche@co.whatcom.wa.us
Attorney for Defendants

Stipulated Motion to Stay Proceedings - 5
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1 DATED: July 26th, 2018.

2 /s/Kaya McRuer

3 Kaya McRuer, Legal Assistant
4 ACLU of Washington Foundation
5 901 5th Ave, Suite 630
6 Seattle, WA 98164
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Stipulated Motion to Stay Proceedings - 6
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~~PROPOSED~~ ORDER RE:
STIPULATED MOTION TO STAY
PROCEEDINGS

Complaint Filed: June 6, 2018

Trial Date: None Set

Basis for Motion

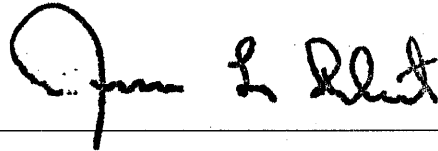
THIS MATTER having come before the Court on the Stipulated Motion of Plaintiffs Gabriel Kortlever and Sy Eubanks, and Defendants Whatcom County, Washington and Whatcom County Sheriff's Office, by and through their counsel, to stay proceedings in this action while the parties engage in settlement efforts, the Court having considered the Stipulated Motion, and finding good cause therefore, it is hereby ORDERED that:

~~Proposed~~ Order Re: Stipulated
Motion to Stay Proceedings - 1
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1. All proceedings and deadlines in this action are hereby stayed;
2. The parties shall file an update with the Court regarding that status of the parties' settlement negotiations within 90 days unless the case has been settled and dismissed by that date.

Dated this 26th day of July 2018.



Hon. James R. Robart

Presented by:

By: s/ Lisa Nowlin
Lisa Nowlin, WSBA #51512
AMERICAN CIVIL LIBERTIES UNION
OF WASHINGTON FOUNDATION
*Attorney for Plaintiffs Gabriel Kortlever,
Sy Eubanks, and All Others Similarly Situated*

~~Proposed~~ Order Re: Stipulated
Motion to Stay Proceedings - 2
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